



Washington State Department of Agriculture

News Release

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WASHINGTON STATE DEPARTMENT OF AGRICULTURE
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WSDA withdraws proposed rule on pesticide notification

OLYMPIA - The Washington State Department of Agriculture (WSDA) today withdrew a proposed rule that would have required pesticide applicators to provide two days written notice before using certain application methods with specific pesticides near community facilities. Public hearings and written comments were sharply divided on the value and need for the rule. WSDA will continue to enforce existing notification laws and regulations, as well as those that prohibit pesticide drift that could contaminate adjacent schools, hospitals, nursing homes and other properties.

The proposed notification rule would have required pesticide applicators, predominantly orchardists, to notify schools, hospitals, nursing homes, and state-licensed adult or child day care centers two days prior to application of certain pesticides. After three years of meetings with interested agricultural growers, community leaders and environmental groups, as well as four public hearings in Wenatchee, Yakima and Olympia, WSDA Director Valoria Loveland has carefully reviewed the testimony and determined that the agency should not adopt the proposed rule. Two primary factors prompted the director's decision.

First, the rule-making process developed no proposals that met with general agreement, and those organizations that would receive the notifications played little role in developing the proposed rule. WSDA received very little input from local school and hospital administrators and others despite extensive outreach to request their participation. A follow-up phone survey to principals of 58 schools in the Yakima and Wenatchee areas did not produce any consensus about the value of the proposed rule.

"The environmental community believed this rule didn't go far enough, while growers thought it created unnecessary regulation when it is already illegal to allow drift of these pesticides," said Loveland. "The only real item of consensus in all the written comments and public testimony we received was that our current requirements are appropriate and should be maintained."

Second, those that would receive this additional notification may be exposed to liability if they did not adequately pass on the information to their students, patients and customers. It is unclear to them what they would have to do when notified.

"WSDA has no enforcement authority or even ability to provide guidance to school districts, nursing homes or other entities about their legal responsibilities under this proposed rule," said Loveland. "These public organizations and businesses would need more direction about what they may be required to do if they receive information about pesticide spraying."

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“The department will consider proposing a pilot rule similar to that which has been withdrawn to test in a specific geographic area of the state,” Loveland said.

WSDA enforces state and federal laws to protect people, property and the environment against the improper use of pesticides. Agency staff also provides technical assistance to the pesticide industry and consumers, and enforces rules on structural inspections for wood destroying organisms.

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